



Please type a plus sign (+) inside this box →



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/392,822

Filing Date September 9, 1999

First Named Inventor YU, DE-CHAO

Group Art Unit 1632

Examiner Name WOITACH, JOSEPH T.

Total Number of Pages in This Submission 21

Attorney Docket Number CELL-014

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Documents
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☒ CD, Number of CD(s) 1

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
 - 1. Paper copy Sequence Listing
 - 2. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name PAMELA J. SHERWOOD, Reg. No. 36,677

Signature *Pamela Sherwood*

Date August 22, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 22, 2002.

Typed or printed name Susan M. Alessi

Signature *Susan M. Alessi*

Date August 22, 2002

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

U.S. POSTAL SERVICE
AUG 27 2002
OFFICE 8013

RECEIVED

AUG 30 2002

ELW
9-2002

CERTIFICATE OF MAILING		TECH CENTER 1600/2900	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name	Susan M. Alessi		
Signature	Susan M. Alessi	Date	August 22, 2002

AMENDMENT 37 C.F.R. 1.111 Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	CELL-014
	First Named Inventor	D.C. Yu
	Application Number	09/392,822
	Filing Date	September 9, 1999
	Group Art Unit	1632
	Examiner Name	J. Woitach
	Title: <i>Adenovirus Vectors containing Cell Status-Specific Response Elements and Methods of Use thereof</i>	

Sir:

This amendment is responsive to the Office Action dated May 22, 2002, which set a three-month period for response.

Please amend the application as follows:

IN THE CLAIMS

Please replace the pending claims with the correspondingly numbered claims below. Claims amended herein are noted by the text in parentheses. Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment; captioned: "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

IN THE SPECIFICATION

Page 9, lines 5-15, replace with the following rewritten description:

Figure 1 is a schematic representation of adenovirus vector CN796, in which the E1A gene is under transcriptional control of an HRE and a PSA-TRE, as described in Example 1.

Figure 2 shows the nucleotide sequence of the 5' flanking region of a human E2F1 gene (SEQ ID NO: 1). The asterisk indicates the transcription start site.

Figure 3 depicts a nucleotide sequence of a prostate-specific antigen TRE.

Figure 4 depicts a nucleotide sequence of a carcinoembryonic antigen TRE.

Figure 5 depicts a nucleotide sequence of a human glandular kallikrein TRE.

Figure 6 depicts a nucleotide sequence of a mucin TRE.

Figure 7 depicts a nucleotide sequence of a rat probasin TRE.

Figure 8 depicts a nucleotide sequence and translated amino acid sequence of an adenovirus death protein.

Replace the Sequence Listing with the attached substitute Sequence Listing.

1. (reiterated) A replication-competent adenovirus vector comprising, a hypoxia responsive element (HRE) operably linked to an adenovirus gene essential for replication selected from the group consisting of E1A, E1B and E4, wherein said HRE comprises a binding site for hypoxia inducible factor-1.

8. (reiterated) The adenovirus vector of claim 1, wherein the HRE is human.

D1